

JOURNAL OF THE FLORIDA SENATE

Monday, May 31, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senators Daniel and Karl—

SB 1622—A bill to be entitled An act relating to the official court reporter for the county of Lake, in and for the fifth judicial circuit; providing for compensation; duties; expenses; and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1622.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senators Daniel and Karl—

SB 1623—A bill to be entitled An act relating to limiting the number of licenses which may be granted for the sale of spirituous beverages within Lake county Florida to one for each 5,000 persons residing within Lake county; providing for renewal of current licenses; providing exception to certain sections of §561, Florida Statutes; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1623.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senator Bishop—

SB 1624—A bill to be entitled An act relating to Columbia County; amending Section 3 of Chapter 67-869, Laws of Florida; providing a salary for the justice of the peace; providing that the county may be billed for the services of the justice of the peace court; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1624.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senator Bishop—

SB 1625—A bill to be entitled An act relating to Wakulla County board of county commissioners; authorizing the issuance of certificates of indebtedness payable from certain race-track funds accruing annually to the Wakulla County board of county commissioners to be used for renovation of and additions to the county courthouse; providing for a referendum.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senators Ott, McClain, Knopke and de la Parte—

SB 1626—A bill to be entitled An act relating to Hillsborough County; amending section 10 of chapter 69-702, Laws of Florida, relating to justices of the peace courts in said county, to establish the compensation of justices of the peace; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1626.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

By Senators Ott, McClain, Knopke and de la Parte—

SB 1627—A bill to be entitled An act relating to Hillsborough County; amending section 16 of chapter 69-703, Laws of Florida, relating to magistrate's court in each justice of the peace

district of said county, to establish the compensation of magistrates; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1627.

Was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 10:00 a.m. A quorum present—46:

Mr. President	Deeb	Karl	Saunders
Arnold	de la Parte	Knopke	Saylor
Barron	Ducker	Lane	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Gong	Lewis (43rd)	Trask
Bell	Graham	McClain	Ware
Bishop	Gunter	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

Excused: Senators Brannen and Haverfield.

Prayer by Senator Lewis (33rd):

Lord, as we commemorate this Memorial Day in honor of those who have passed away in defense of their country, keep us ever mindful of your God-given gifts to us—freedom to speak out, prosperity never before comprehended by man, and most of all, Lord, hope, hope that we, who have caused the problems and misery in the world, will have your guidance in making a better world for those less fortunate.

Today, Lord, is the first day of the rest of our lives as well as the first day of the closing week of this session. Please send the Holy Spirit to inspire us to vote our convictions, no matter how difficult the decision may be . . . this is the least we can do for our future generations. This will be our memorial to those we honor today.

Eternal rest grant unto them and let perpetual life shine upon them, and may their souls and all the souls of the faithful departed rest in peace. Amen.

The Senate pledged allegiance to the flag of the United States of America.

Mr. President: It seems altogether fitting and proper that we pause briefly in our deliberations on this Memorial Day to pay homage to those who have made the ultimate sacrifice for freedom in our country and to those gallant Americans who daily face immeasurable danger in the desolate jungles of Vietnam; to continue to care for those who still bear wounds born from battle; to aid the widow and orphan; to do everything that will guarantee everlasting peace, security, and liberty for ourselves and for people everywhere.

And let us never forget that if we maintain liberty as an inseparable part of this union, it shall not perish.

Following the foregoing remarks by the President, David Wasson of Largo sang the "Star Spangled Banner" and "America the Beautiful" and was accompanied by Sandy LaClair, Ft. Pierce; Larry Mayo, Pensacola; and Harry Price, Miami, all FSU School of Music students.

The Journal of May 28 was corrected and approved as follows:

Page 595, at bottom of column 1 insert: —which were referred to the Select Committee on Executive Suspensions.

Page 591, column 2, line 10, strike "SB 500" and insert: HB 500

The Journal of May 27 was corrected and approved as follows:

Page 566, counting from the bottom of column 1, line 28, strike: "4 of" and insert: 5 of

Page 568, strike line 5 and insert: County; providing

Page 568, counting from the bottom of column 1, strike line 6 and insert: county; providing

Page 586, counting from the bottom of column 2, line 26, strike "34" and insert: 29

Page 587, column 1, between lines 21 and 22 insert: Barrow

The Journal of May 13 was further corrected and approved as follows:

Page 366, column 1, line 22, strike the comma and insert: 26,

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Monday, May 31:

CS for	SB 1465	CS for
HB's 430 and 386	SB 279	HB 986
SB 1311	SB 1300	HB 810
SB 1191	SM 228	HB 1293
SB 1192	SB 246	HB 728
HB 1068	SB 673	HB 378
SB 1193	HB 838	HB 293
SB 569	HB 209	CS for
SB 946	CS for CS for	HB 1255
HB 425	HB's 706, 513,	HB 326
HB 360	and 516	HB 1364
SB 1399	SB 941	HB 1365
SB 1464	HB 737	HB 559
SB 1470	HB 507	HB 560
SB 479	HB 611	

George L. Hollahan, Jr.
Chairman, Committee on Rules,
Calendar, Privileged Business
and Ethics

The Committee on Rules, Calendar, Privileged Business and Ethics has referred the following local bills to the local Calendar:

SB 1622	SB 1624	SB 1626
SB 1623	SB 1625	SB 1627

Respectfully submitted,
Senator George L. Hollahan, Jr.
Chairman

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass: HB 2262, HB 1137

The Committee on Universities and Community Colleges recommends the following pass: SB 1458 with 4 amendments

The bills contained in the foregoing reports were placed on the Calendar.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 1023 with 3 amendments SB 1394 with 2 amendments
SB 1241 with 2 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were immediately certified to the House.

Your Engrossing Clerk to whom was referred—

SB 169 with 1 amendment	SB 494 with 2 amendments
SB 433 with 4 amendments	SB 497 with 1 amendment
SB 493 with 2 amendments	

—reports that the House amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were ordered enrolled.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

SB 508	SB 512	SB 700
SB 509	SB 513	SB 1010

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 31, 1971.

ELMER O. FRIDAY
Secretary of the Senate

MOTIONS RELATING TO COMMITTEE REFERENCE

Senator Plante moved that the rules be waived and SB 872 be withdrawn from the Committee on Ways and Means and placed on the Calendar.

On motion by Senator Wilson, debate was limited to 2 minutes.

The motion by Senator Plante failed.

Pursuant to Rule 4.14, Senator Barrow gave notice of intention to request unanimous consent to take up HB 951 out of order.

On motion by Senator Bell, SB 733 was removed from the calendar and withdrawn from further consideration of the Senate.

On motion by Senator Bishop, SB 413 was removed from the calendar and withdrawn from further consideration of the Senate.

Pursuant to Rule 4.14, Senator Bishop gave notice of intention to request unanimous consent to take up SB 1188 out of order.

On motion by Senator Knopke, by two-thirds vote, CS for HB 1526 was withdrawn from the Committee on Natural Resources and Conservation and placed at the end of the Special Order Calendar.

On motions by Senator de la Parte, by two-thirds vote, House Bills 14, 299, 724, 910, CS for HB 655, Senate Bills 1165, 1166, 1492, CS for HB's 715 and 716, CS for SB 1390 were withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Plante, SB 685 was removed from the Calendar and withdrawn from further consideration of the Senate.

On motion by Senator Barrow, by two-thirds vote, the Committee on Judiciary—Criminal was granted permission to consider CS for HB 660 and HB 785 at the scheduled meeting June 1.

Senator Barrow announced that the Committee on Universities and Community Colleges would meet at 5:00 p.m. June 1 instead of this day, due to the illness of the chairman.

Senator Scarborough announced that the Committee on Personnel, Retirement and Claims would meet immediately upon adjournment instead of 7:00 p.m.

On motion by Senator de la Parte, SB 123 was removed from the Calendar and withdrawn from further consideration of the Senate.

On motion by Senator Hollahan, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following communication:

Honorable Jerry Thomas
President, the Florida Senate
The Capitol
Tallahassee, Florida

May 28, 1971

Dear Mr. President:

This is to advise you that I appointed Mr. Marshall M. Criser as a member of the Board of Regents on May 27, 1971. The appointment of Mr. Criser is subject to confirmation by the State Cabinet at their meeting on June 1, 1971.

It would be appreciated if the Senate would take up the confirmation of Mr. Criser during the current session.

Sincerely,
REUBIN ASKEW
Governor

The President referred the appointment to the Committee on Universities and Community Colleges.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 31, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

SB 938	SB 870	SB 670
SB 911	SB 808	SB 1295
SB 681	SB 714	SB 1544
SB 621	SB 1543	SB 1275
SB 1545	SB 547	

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above message, were ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

May 28, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed—

HB 602	HB 668	HB 993
HB 995	HB 1233	HB 1269

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

May 25, 1971

Sir:

I am directed to inform the Senate that the House of Representatives returns as requested—

By Representative Spicola and others—

HB 1484—A bill to be entitled An act relating to Hillsborough County; amending §24 of chapter 69-1121, Laws of Florida, relating to political activities of civil service employees and other employees and officers of Hillsborough County, including unclassified employees in the provisions of said section; providing for a mandatory leave of absence for employees who become candidates for political office; prohibiting coercion or collecting of money in relation to certain political activities by department heads or persons connected therewith in said county; making violation a misdemeanor; providing an effective date.

Proof of Publication attached.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Knopke, by two-thirds vote, the Senate reconsidered the vote by which HB 1484, contained in the above message, passed on May 24.

HB 1484—A bill to be entitled An act relating to Hillsborough County; amending §24 of chapter 69-1121, Laws of Florida, relating to political activities of civil service employees and other employees and officers of Hillsborough County, including unclassified employees in the provisions of said section; providing for a mandatory leave of absence for employees who become candidates for political office; prohibiting coercion or collecting of money in relation to certain political activities by department heads or persons connected therewith in said county; making violation a misdemeanor; providing an effective date.

On motion by Senator Knopke the following amendment was adopted by two-thirds vote:

On page 1, strike everything after enacting clause and insert: Section 1. Section 24 of chapter 69-1121, Laws of Florida, 1969, is amended to read:

Section 24. (a) No person holding an office or place in the classified service under the provisions of this act shall take an active part in a political campaign or circulate or seek signatures to any petition provided for by any primary or election law or act as a worker at the polls, or distribute badges, colors, or insignia favoring or opposing a candidate for election or nomination to a federal, state, county, or municipal public office, provided, however, that nothing in this act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at political meetings, from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office, *except as provided in subsection (b)*. Any person violating the provisions of this section shall be dismissed from the service of the county.

(b) Any person holding a position with the county, in the classified or unclassified service, except an elected officer, must take a leave of absence, without pay, beginning when said person completes his qualification as a political candidate in any election for:

- (1) A City of Tampa office;
- (2) A County of Hillsborough office;
- (3) A State of Florida office;
- (4) A Federal office.

Such leave of absence shall cease when the individual is no longer a candidate for one of said offices.

Section 2. This act shall take effect upon becoming a law.

On motion by Senator Knopke the following amendment was adopted:

On page 1, in title, strike on lines 9—10 “, including unclassified employees in the provisions of said section” and on lines 13—17 “prohibiting coercion or collecting of money in relation to certain political activities by department heads or persons connected therewith in said county; making violation a misdemeanor;”

On motion by Senator Knopke, HB 1484 as amended was read by title, passed and certified to the House. The vote was: Yeas—43 Nays—None

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Saylor
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Gunter	McClain	Ware
Brantley	Henderson	Myers	Weber
Broxson	Hollahan	Plante	Weissenborn
Childers	Horne	Pope	Williams
Daniel	Johnson (29th)	Poston	Wilson
Deeb	Johnson (34th)	Reuter	

UNFINISHED BUSINESS

Consideration of SB 292 with pending amendment was deferred.

SPECIAL ORDER CALENDAR

CS for HB's 430 and 386—A bill to be entitled An act relating to protection of the air, water, and other natural resources of the state; providing for actions for declaratory and equitable relief for protection of said resources; prescribing the duties of the department of legal affairs, political subdivisions, municipalities, and citizens of the state; providing for judicial proceedings relative to the purposes of this act; providing that the court may apportion court costs; providing for the application of the doctrines of res judicata and collateral estoppel; providing that the provisions of this act shall be cumulative to other provisions of law; providing an effective date.

Was read the second time by title.

The Committee on Judiciary—Civil B offered the following amendment which was moved by Senator Horne:

Page 1, following the enacting clause strike the remainder of the bill and insert:

Section 1. This act shall be known as and may be cited as the environmental protection act of 1971.

Section 2. (1) The department of legal affairs, any political subdivision or municipality of the state, or a citizen of the state may maintain an action for injunctive relief against:

(a) any governmental agency or authority charged by law with the duty of enforcing laws, rules and regulations for the protection of the air, water, and other natural resources of the state, to compel such governmental authority to enforce such laws, rules and regulations;

(b) any person, natural or corporate, governmental agency or authority to enjoin such persons, agencies or authorities from violating any laws, rules or regulations for the protection of the air, water, and other natural resources of the state.

(2) In any suit under subsection (1), the department of legal affairs may intervene to represent the interests of the state.

(3) As a condition precedent to the institution of an action pursuant to subsection 2(1)(a) or (b) of this Act, the complaining party shall first file with the governmental agencies or authorities charged by law with the duty of regulating or prohibiting the act or conduct complained of, a verified complaint setting forth the facts upon which the complaint is

based and the manner in which the complaining party is affected. Upon receipt of a complaint, the governmental agency or authority shall forthwith transmit, by registered or certified mail, a copy of such complaint to those parties charged with violating the laws, rules and regulations for the protection of the air, water and other natural resources of the state. The agency receiving such complaint shall have thirty (30) days after the receipt thereof within which to take appropriate action. If such action is not taken within the time prescribed, the complaining party may institute the judicial proceedings authorized in subsection 2(1)(a) or (b) of this act; provided, however, that failure to comply with the subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the conduct or activity complained of.

(4) In any action instituted pursuant to subsection 2(1)(b), the court, in the interest of justice, may add as party defendant any governmental agency or authority charged with the duty of enforcing the applicable laws, rules and regulations for the protection of the air, water and other natural resources of the state.

(5) No action pursuant to this act may be maintained if the person (natural or corporate) or governmental agency or authority charged with pollution, impairment or destruction of the air, water or other natural resources of the state is acting or conducting operations pursuant to currently valid permit or certificate covering such operations issued by the appropriate governmental authorities or agencies and is complying with the requirements of said permits or certificates.

(6) In any action instituted pursuant to this act, the prevailing party or parties shall be entitled to costs. If the court has reasonable ground to doubt the solvency of the plaintiff or the plaintiff's ability to pay any cost or judgment which might be rendered against him in an action brought under this act the court may order the plaintiff to post a good and sufficient surety bond or cash.

Section 3. The court may grant injunctive relief and may impose conditions on the defendant which are consistent with, and in accordance with law, and any rules or regulations adopted by any state or local governmental agency which is charged to protect the air, water and other natural resources of the state from pollution, impairment, or destruction.

Section 4. The doctrines of res judicata and collateral estoppel shall apply. The court shall make such orders as necessary to avoid multiplicity of actions.

Section 5. In any administrative, licensing or other proceedings authorized by law for the protection of the air, water or other natural resources of the state from pollution, impairment or destruction, the department of legal affairs, a political subdivision or municipality of the state, or a citizen of the state shall have standing to intervene as a party on the filing of a verified pleading asserting that the activity, conduct or product to be licensed or permitted has or will have the effect of impairing, polluting, or otherwise injuring the air, water or other natural resources of the state.

Section 6. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 7. This act shall take effect upon becoming a law.

On motion by Senator Barrow the following amendment to the amendment was adopted:

On page 3 (of 4), line 7, section (6), strike period (.) and insert: and attorney fees.

On motion by Senator Barrow the following amendment to the amendment was adopted:

On page 4 (of 4), between lines 4 and 5, add a new section 6 as follows:

Section 6. Venue of any causes brought under this law shall lie in the county or counties wherein the cause of action is alleged to have occurred.

(renumber subsequent sections)

The amendment as amended was adopted.

The Committee on Judiciary—Civil B offered the following amendment which was adopted on motion by Senator Graham:

In title, page 1, strike: all of lines 3 through and including line 19 and insert: A bill to be entitled An act relating to protection of the air, water, and other natural resources of the state; providing for actions for injunctive relief for protection of said resources; prescribing the duties of the department of legal affairs, political subdivisions, municipalities and citizens of the state; providing for judicial proceedings relative to the purposes of this act; authorizing intervention in all types of proceedings involving injury to natural resources; providing for assessing attorney fees, court costs or requiring bond; recognizing the doctrines of res judicata and collateral estoppel; providing an effective date.

On motion by Senator Graham, by two-thirds vote, CS for HB's 430 and 386 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	de la Parte	Johnson (34th)	Poston
Arnold	Ducker	Karl	Reuter
Beaufort	Fincher	Knopke	Saylor
Bell	Gong	Lane	Scarborough
Boyd	Graham	Lewis (33rd)	Ware
Brantley	Gunter	Lewis (43rd)	Weissenborn
Broxson	Henderson	McClain	Wilson
Childers	Hollahan	Myers	
Deeb	Horne	Pope	

Nays—8

Bishop	Plante	Stolzenburg	Weber
Johnson (29th)	Saunders	Trask	Williams

By unanimous consent Senators Daniel and Barron were recorded as voting yea.

SB 327 was laid on the table.

SB 1311 was taken up, together with:

By the Committee on Natural Resources and Conservation—

CS for SB 1311—A bill to be entitled An act relating to coastal construction and excavation; creating §161.053, Florida Statutes, providing that the department of natural resources shall establish coastal setback lines on a county basis; requiring engineering and topographic surveys; requiring local public hearings; requiring the setback lines to be recorded; prohibiting construction, excavation, driving of vehicles on dunes, and damage to dunes and vegetation seaward of setback lines; providing for review of setback lines; providing for waivers; providing for construction of piers and pipelines; declaring a violation of said section a public nuisance; providing exemption; providing that pending the establishment of setback lines, §161.052, Florida Statutes, 1970 Supplement, which relates to the same subject, shall apply; providing a penalty; providing an effective date.

—which was read the first time by title and SB 1311 was laid on the table.

On motion by Senator Knopke, by two-thirds vote, CS for SB 1311 was read the second time by title.

Consideration of CS for SB 1311 was deferred, the bill retaining its place on the Calendar.

Notice having been given pursuant to Rule 4.14, on motion by Senator Barrow, unanimous consent was obtained to take up out of order—

HB 951—A bill to be entitled An act relating to national elections; amending §97.031, Florida Statutes, prescribing procedures for the registration of electors to vote in national elec-

tions for president and vice-president of the United States under Public Law 91-285; providing an effective date.

—which was pending roll call, having been read the third time and amended on May 27.

HB 951 as amended passed and was certified to the House. The vote was:

Yeas—35

Mr. President	Daniel	Knopke	Saunders
Arnold	Ducker	Lewis (33rd)	Saylor
Barrow	Fincher	Lewis (43rd)	Scarborough
Beaufort	Gong	McClain	Trask
Bell	Graham	Myers	Ware
Bishop	Henderson	Ott	Weber
Boyd	Hollahan	Pope	Weissenborn
Brantley	Horne	Poston	Wilson
Childers	Johnson (34th)	Reuter	

Nays—1

Lane

By unanimous consent Senators Barron, Broxson, Williams and Gunter were recorded as voting yea.

By unanimous consent Senator Johnson (29th) was recorded as voting nay.

SB 594 was laid on the table.

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 28, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Powell—

HB 664—A bill to be entitled An act relating to oysters and shellfish regulation; amending §370.16(3) and (4), Florida Statutes, to include closed oyster and clam season; providing for leases to be marked according to the standards set out in §371.521, Florida Statutes; providing authorization for the division to stipulate marker and corner posts to be used; providing increased penalty; providing for a rent increase; providing authorization for the division to stipulate size of cultch materials; providing an effective date.

By Representative Powell—

HB 675—A bill to be entitled An act relating to oysters and shellfish regulation; amending §370.16(6), Florida Statutes; providing that leases shall be transferable only with the approval of the division of marine resources; providing that the transferee shall pay a transfer fee; providing that there shall be no transfer of a lease until the lease is at least two (2) years old and the lessee has complied with the statutory cultivation standards; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 664, contained in the above message, was read the first time by title. On motion by Senator Broxson, the rules were waived and the bill was placed on the Calendar.

HB 675, contained in the above message, was read the first time by title. On motion by Senator Broxson, the rules were waived and the bill was placed on the Calendar.

On motion by Senator Broxson, unanimous consent was obtained to take up HB 664 out of order.

On motion by Senator Broxson, by two-thirds vote, HB 664 was read the second time by title.

On motion by Senator Broxson the following amendment was adopted:

On page 4, lines 19—20, section 2, strike "upon becoming a law." and insert: September 1, 1971.

On motion by Senator Broxson, by two-thirds vote, HB 664 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Henderson	McClain	Weber
Brantley	Hollahan	Myers	Weissenborn
Broxson	Horne	Plante	
Childers	Johnson (29th)	Pope	
Daniel	Johnson (34th)	Poston	

Nays—4

Barrow	Deeb	Ware	Wilson
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By unanimous consent Senators Barron, Gunter and Williams were recorded as voting yea.

SB 1191 was laid on the table.

The Senate resumed—

SPECIAL ORDER

SB 1192 was taken up and on motion by Senator Broxson—

HB 1078—A bill to be entitled An act relating to shellfish lease regulation; adding paragraph (f) to subsection (4) of §370.16, Florida Statutes; authorizing the department of natural resources to adopt rules and regulations pertaining to the water column over shellfish leases; providing that after adoption and publication of such rules and regulations, a lease in violation may be declared a nuisance; providing for the removal of cultch materials, and the cancellation of a lease upon refusal of the lessee to remove said materials; providing that said materials and improvements shall become the property of the state, and authorizing the division of marine resources to dispose of, retain, or remove said materials; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Broxson:

On page 2, lines 15-16, section 2, strike "upon becoming a law." and insert: September 1, 1971.

On motion by Senator Broxson, by two-thirds vote, HB 1078 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Bishop	de la Parte	Gunter
Arnold	Boyd	Ducker	Henderson
Barrow	Brantley	Fincher	Hollahan
Beaufort	Broxson	Gong	Horne
Bell	Childers	Graham	Johnson (29th)

Johnson (34th)	Myers	Sayler	Weber
Knopke	Plante	Scarborough	Weissenborn
Lane	Pope	Stolzenburg	Wilson
Lewis (43rd)	Poston	Trask	
McClain	Saunders	Ware	

By unanimous consent, Senators Lewis (33rd), Williams and Daniel were recorded as voting yea; Senator Barron, nay.

SB 1192 was laid on the table.

HB 1068—A bill to be entitled An act relating to the department of natural resources; providing for the establishment of trust fund accounts within the erosion control account; providing an effective date.

Was read the second time by title. On motion by Senator Beaufort, by two-thirds vote, HB 1068 was read the third time by title, passed and certified to the House. The vote was: Yeas—41 Nays—None

Mr. President	de la Parte	Knopke	Sayler
Arnold	Ducker	Lane	Scarborough
Barron	Fincher	Lewis (33rd)	Trask
Barrow	Gong	Lewis (43rd)	Ware
Beaufort	Graham	McClain	Weber
Bell	Gunter	Myers	Weissenborn
Bishop	Henderson	Plante	Williams
Brantley	Hollahan	Pope	Wilson
Broxson	Horne	Poston	
Childers	Johnson (29th)	Reuter	
Daniel	Johnson (34th)	Saunders	

By unanimous consent, Senators Karl and Boyd were recorded as voting yea.

SB 1193 was taken up and on motion by Senator Broxson—

HB 675—A bill to be entitled An act relating to oysters and shellfish regulation; amending §370.16(6), Florida Statutes; providing that leases shall be transferable only with the approval of the division of marine resources; providing that the transferee shall pay a transfer fee; providing that there shall be no transfer of a lease until the lease is at least two (2) years old and the lessee has complied with the statutory cultivation standards; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Broxson, by two-thirds vote, HB 675 was read the second time by title.

On motion by Senator Broxson the following amendment was adopted:

On page 2, line 5, strike the period (.) and insert: , except as otherwise provided by regulation adopted by the division of marine resources.

On motion by Senator Broxson the following amendment was adopted:

On page 2, lines 13—14, section 2, strike "upon becoming a law." and insert: September 1, 1971.

On motion by Senator Broxson, by two-thirds vote, HB 675 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	Daniel	Johnson (34th)	Poston
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Scarborough
Barrow	Fincher	Lane	Stolzenburg
Beaufort	Gong	Lewis (33rd)	Trask
Bell	Graham	Lewis (43rd)	Ware
Bishop	Henderson	McClain	Weber
Boyd	Hollahan	Myers	Weissenborn
Broxson	Horne	Plante	Williams
Childers	Johnson (29th)	Pope	Wilson

By unanimous consent Senator Gunter was recorded as voting yeas.

SB 1193 was laid on the table.

Please excuse me from voting on House Bills 664, 1078 and 675 so as to avoid any question of a conflict of interest per rule.

Cliff Reuter, 30th District

SB 569—A bill to be entitled An act relating to taxes on gasoline; creating §213.11, Florida Statutes, requiring the department of revenue to pay two percent (2%) of all revenue collected under the first gasoline tax imposed by chapter 206, Florida Statutes, as created by chapter 70-995, Laws of Florida, to the game and fresh water fish commission or other agency charged with controlling noxious aquatic vegetation; requiring that such funds be used in the control, eradication and research of water hyacinth and noxious aquatic vegetation; amending §206.45(1), Florida Statutes, 1970 Supplement, Addendum, as created by chapter 70-995, Laws of Florida, to conform to this act; providing an effective date.

Was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

On page 1 strike lines 26 through and including line 29 and on page 2 strike lines 1 through and including line 12 and insert the following: 213.11 Gasoline tax; transfer to department of natural resources.—The department of revenue is hereby directed to pay and transfer to the department of natural resources or to such other successor agency as may be charged with controlling noxious aquatic vegetation in this state, a sum equal to two percent (2%) of all revenue collected under the first gasoline tax imposed by the provisions of chapter 206. Such sum shall be transferred by the department of revenue at the same time the remainder of the first gasoline tax is transferred into the state roads trust fund as provided for in §206.45(1). All funds so transferred to the department of natural resources or other agency shall be used for eradication, control and research of water hyacinths and noxious aquatic vegetation.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

In title, lines 11 and 12, page 1, strike "game and fresh water fish commission" and insert: department of natural resources

On motion by Senator Weissenborn, by two-thirds vote, SB 569 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Fincher	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Henderson	Myers	Weber
Broxson	Hollahan	Plante	Weissenborn
Childers	Horne	Pope	Williams
Daniel	Johnson (29th)	Reuter	Wilson
de la Parte	Johnson (34th)	Saunders	
Ducker	Karl	Sayler	

Nays—2

Arnold Poston

By unanimous consent Senator Lewis (33rd) was recorded as voting yeas.

MATTERS ON RECONSIDERATION

The motion by Senator Pope on May 28 to reconsider the vote by which SCS for HB 753 as amended passed on May 28 was taken up and adopted; and the Senate reconsidered. The vote was:

Yeas—26

Arnold	Ducker	Karl	Scarborough
Barrow	Fincher	Lane	Stolzenburg
Beaufort	Henderson	Lewis (43rd)	Trask
Bishop	Hollahan	McClain	Ware
Brantley	Horne	Ott	Weber
Childers	Johnson (29th)	Pope	
Daniel	Johnson (34th)	Poston	

Nays—17

Mr. President	de la Parte	Lewis (33rd)	Williams
Barron	Gong	Plante	Wilson
Bell	Graham	Reuter	
Boyd	Gunter	Saunders	
Broxson	Knopke	Sayler	

Further consideration of SCS for HB 753 as amended was deferred.

Senator Boyd, President Pro Tempore, presiding.

Unanimous consent was granted Senator Henderson to introduce the following resolution out of order:

By Senators Henderson, Arnold, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Fincher, Gong, Graham, Gunter, Haverfield, Hollahan, Horne, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Pope, Poston, Reuter, Saunders, Sayler, Scarborough, Stolzenburg, Trask, Ware, Weber, Weissenborn, Williams and Wilson—

SR 1629—A resolution commending Jack Wittrup for his distinguished achievements as an artist.

WHEREAS, Jack Wittrup, born in Chicago and educated at the Chicago Art Institute, American Academy of Art, Chicago Academy of Art, and the University of Wisconsin has received acclaim for his portraits, and

WHEREAS, Jack Wittrup has made the state of Florida his home where he resides with his wife, Beatrice, who is an artist in her own right, having attained national recognition as an architect-designer, and

WHEREAS, Jack Wittrup, now residing in Boca Raton, a director and instructor of portraiture in oil at the Art Guild in Boca Raton, whose work is represented by galleries in New York City, Dallas, and Palm Beach, has become renowned for his portraits of well-known military and industrial leaders, as well as for his portraits of women and children, and

WHEREAS, on Monday, May 31, 1971, a portrait of Senate President Jerry Thomas which was painted by Jack Wittrup will be presented to the Legislature, and

WHEREAS, this portrait will hang in the State Capitol along with those of others who have contributed to the achievement of the state for thousands to enjoy, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Jack Wittrup is hereby recognized and commended for his distinguished achievements in the field of art and for his outstanding contribution to the cultural enrichment of the people of the state.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the great seal of the state attached, be presented to Jack Wittrup as a lasting symbol of the respect and appreciation of the people of the state.

Was read the first time by title. On motion by Senator Henderson, SR 1629 was read the second time in full and adopted. The vote was: Yeas—44 Nays—None

Mr. President	Beaufort	Brantley	Deeb
Arnold	Bell	Broxson	de la Parte
Barron	Bishop	Childers	Ducker
Barrow	Boyd	Daniel	Fincher

Gong	Johnson (34th)	Myers	Sayler
Graham	Karl	Ott	Scarborough
Gunter	Knopke	Plante	Stolzenburg
Henderson	Lane	Pope	Trask
Hollahan	Lewis (33rd)	Poston	Ware
Horne	Lewis (43rd)	Reuter	Williams
Johnson (29th)	McClain	Saunders	Wilson

On motion by Senator Horne, the President Pro Tempore appointed Senators Lewis (33rd), McClain and de la Parte as a committee to escort Mrs. Jerry Thomas and Mr. Jack Wittrup to the rostrum to unveil the portrait of the President.

The President Pro Tempore acknowledged the presence of Cindy Thomas, youngest daughter of the President.

The Honorable Reubin O'D. Askew, Governor of Florida, appeared in the chamber, assisted Mrs. Thomas and Mr. Wittrup in the unveiling of the portrait and extended his congratulations to the President.

The President presiding.

The hour of adjournment having arrived, the Senate recessed at 12:15 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—46:

Mr. President	Deeb	Karl	Saunders
Arnold	de la Parte	Knopke	Sayler
Barron	Ducker	Lane	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Gong	Lewis (43rd)	Trask
Bell	Graham	McClain	Ware
Bishop	Gunter	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

The Senate resumed consideration of—

SCS for HB 753—A bill to be entitled An act relating to ad valorem taxation and exemptions therefrom; amending chapter 196, Florida Statutes, by adding new sections, by amending section 196.011, Florida Statutes, and by repealing sections 196.191, 196.201, 196.211, 196.22, 196.25, 196.275 and 196.30, Florida Statutes; repealing all exemptions granted by special or local acts or general acts of local application; providing definitions; establishing procedures and criteria for granting exemptions; providing for the approval of exemptions by tax assessors and the review of determinations by the boards of tax adjustment; providing for the exemption of certain property used exclusively or predominantly for literary, scientific, religious, educational, and governmental purposes; excluding certain leasehold interests from exemption; providing an exemption for property owned by widows, totally and permanently disabled persons, and blind persons; amending chapter 192 by providing for the taxation of nonexempt properties; providing a severability clause; providing an effective date.

On motion by Senator Stolzenburg the Senate reconsidered the vote by which the following amendment failed of adoption on May 28:

On page 22, line 10, section 14, strike the period and insert: Provided, however, that in Broward County the tax assessor of said county is hereby authorized to make an exception to the provisions of section 192.042, Florida Statutes, requiring that property be assessed on January 1st of each year by exempting from the provisions of the general law the assessment of taxes

for the year 1971 on property purchased by any non-profit religious corporation within thirty days after January 1, 1971.

Senator Barrow moved that the Senate reconsider the vote by which SCS for HB 753 was placed on third reading. The motion failed by the following vote:

Yeas—20

Arnold	Deeb	Horne	Myers
Barrow	Ducker	Johnson (29th)	Poston
Beaufort	Fincher	Johnson (34th)	Scarborough
Brantley	Henderson	Lewis (43rd)	Trask
Childers	Hollahan	McClain	Ware

Nays—20

Mr. President	Broxson	Lane	Sayler
Barron	de la Parte	Lewis (33rd)	Stolzenburg
Bell	Graham	Plante	Weissenborn
Bishop	Gunter	Reuter	Williams
Boyd	Karl	Saunders	Wilson

The question recurred on the adoption of the amendment offered by Senator Stolzenburg. The amendment was adopted by the following vote:

Yeas—33

Mr. President	de la Parte	Knopke	Scarborough
Arnold	Ducker	Lane	Stolzenburg
Barrow	Fincher	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Hollahan	McClain	Weber
Broxson	Horne	Myers	Williams
Childers	Johnson (29th)	Pope	
Daniel	Johnson (34th)	Poston	
Deeb	Karl	Saunders	

Nays—10

Beaufort	Graham	Reuter	Wilson
Bell	Henderson	Sayler	
Brantley	Plante	Weissenborn	

Senators McClain, Barrow, Pope, Deeb and Childers offered the following amendment which was moved by Senator McClain:

On page 5, line 1, section 2, after the word "veteran" insert: and for persons who have attained the age of sixty-five (65) years or older and who have resided in Florida at least the preceding five (5) years.

Senator Wilson moved that debate on all amendments be limited to 3 minutes per side and the motion failed.

Senator Lewis (33rd) moved the adoption of the following amendment to the amendment which failed:

Strike period after "years" in line 6 and insert: who have a maximum net income before federal taxes of \$6000.00

Senators Weissenborn and Childers offered the following amendment to the amendment which was moved by Senator Weissenborn:

Strike period after "years" in line 6 and insert: , who have a maximum net income before federal taxes of not in excess of a maximum of \$10,000.

Senator Sayler moved that SB 188 be withdrawn from the Committee on Ways and Means and placed on the Calendar.

The President ruled the motion out of order during the consideration of this bill.

Senator de la Parte moved that consideration of SCS for HB 753 be temporarily deferred in order to permit a motion to withdraw SB 188 from the Committee on Ways and Means. The motion failed by the following vote:

Yeas—18

Mr. President	de la Parte	Horne	Sayler
Barron	Ducker	Karl	Ware
Bishop	Gong	Knopke	Williams
Boyd	Graham	Lewis (33rd)	
Broxson	Gunter	Myers	

Nays—20

Arnold	Childers	Hollahan	McClain
Barrow	Daniel	Johnson (29th)	Pope
Beaufort	Deeb	Johnson (34th)	Trask
Bell	Fincher	Lane	Weissenborn
Brantley	Henderson	Lewis (43rd)	Wilson

The question recurred on the amendment to the amendment offered by Senators Weissenborn and Childers. The amendment was adopted.

Senators Graham and de la Parte offered the following amendment to the amendment which was moved by Senator Graham:

After the figure \$10,000 insert: provided further, each county tax assessor shall certify to the comptroller the dollar value of exemptions granted under this section in such county, and the taxes lost to each taxing authority within the county. The comptroller shall reimburse the taxing authorities within each county for the taxes lost

On motion by Senator Hollahan, debate on the foregoing amendment and all pending amendments was limited to 2 minutes per side.

The amendment to the amendment failed.

The question recurred on the amendment as amended. The amendment failed to receive the required two-thirds vote. The vote was:

Yeas—25

Arnold	Childers	Hollahan	Pope
Barron	Daniel	Horne	Poston
Barrow	Deeb	Johnson (34th)	Trask
Beaufort	Fincher	Lewis (43rd)	Weissenborn
Bishop	Gong	McClain	
Brantley	Gunter	Myers	
Broxson	Henderson	Ott	

Nays—17

Mr. President	Graham	Reuter	Williams
Bell	Karl	Saunders	Wilson
Boyd	Knopke	Sayler	
de la Parte	Lane	Scarborough	
Ducker	Lewis (33rd)	Ware	

On motion by Senator Wilson, debate on SCS for HB 753 was limited to 3 minutes per side.

SCS for HB 753 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—34

Mr. President	Ducker	Lane	Sayler
Arnold	Gong	Lewis (33rd)	Scarborough
Barron	Graham	McClain	Stolzenburg
Beaufort	Henderson	Myers	Ware
Bell	Hollahan	Ott	Weissenborn
Boyd	Horne	Plante	Williams
Brantley	Johnson (34th)	Pope	Wilson
Broxson	Karl	Poston	
de la Parte	Knopke	Saunders	

Nays—9

Barrow	Deeb	Johnson (29th)	Reuter
Bishop	Gunter	Lewis (43rd)	Trask
Childers			

By unanimous consent Senators Daniel and Fincher were recorded as voting yea.

On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 555—A bill to be entitled An act relating to banks and trust companies; amending section 659.20(5)(c), Florida Statutes; increasing the percent of unimpaired capital and surplus that may be invested in small business investment companies; providing an effective date.

—which was read the second time by title. On motion by Senator Horne, by two-thirds vote, HB 555 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Ducker	Knopke	Saunders
Arnold	Fincher	Lane	Sayler
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Ware
Bell	Gunter	McClain	Weber
Boyd	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	Williams
Broxson	Horne	Plante	
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

Nays—2

Bishop	Wilson
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On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 556—A bill to be entitled An act relating to banks and trust companies; amending section 659.11(2), Florida Statutes; authorizing directors' qualifying shares to be encumbered and optioned; providing an effective date.

—which was read the second time by title. On motion by Senator Horne, by two-thirds vote, HB 556 was read the third time by title, passed and certified to the House. The vote was: Yeas—39 Nays—None

Mr. President	Daniel	Johnson (34th)	Reuter
Arnold	Ducker	Karl	Saunders
Barron	Fincher	Knopke	Sayler
Barrow	Gong	Lane	Stolzenburg
Beaufort	Graham	Lewis (33rd)	Ware
Bell	Gunter	Lewis (43rd)	Weber
Bishop	Henderson	McClain	Weissenborn
Boyd	Hollahan	Myers	Williams
Brantley	Horne	Ott	Wilson
Childers	Johnson (29th)	Plante	

On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 558—A bill to be entitled An act relating to banks and trust companies; amending section 659.16(1), Florida Statutes; establishing that the par value of eligible securities which are owned by the bank free of pledge and encumbrance and that portion of the par value of eligible securities which is in excess of the deposits to which pledged may be utilized in meeting reserve requirements; providing an effective date.

—which was read the second time by title. On motion by Senator Horne, by two-thirds vote, HB 558 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Arnold	Fincher	Lane	Saunders
Barron	Gong	Lewis (33rd)	Sayler
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Ware
Boyd	Henderson	Myers	Weber
Brantley	Hollahan	Ott	Weissenborn
Broxson	Horne	Plante	Williams
Childers	Johnson (29th)	Pope	
Daniel	Johnson (34th)	Poston	
Ducker	Karl		

Nays—3

Bishop	Reuter	Wilson
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I recuse from voting on HB 558 pursuant to Rule 1.20 of the Senate.

Jerry Thomas, 35th District

On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 561—A bill to be entitled An act relating to industrial savings banks; amending section 656.121(2), F. S., to permit directors' qualifying shares to be subject to encumbrances or options; providing an effective date.

—which was read the second time by title. On motion by Senator Horne, by two-thirds vote, HB 561 was read the third time by title, passed and certified to the House. The vote was: Yeas—39 Nays—None

Mr. President	Ducker	Karl	Reuter
Arnold	Fincher	Knopke	Saunders
Barron	Gong	Lane	Sayler
Beaufort	Graham	Lewis (33rd)	Stolzenburg
Bell	Gunter	Lewis (43rd)	Ware
Bishop	Henderson	McClain	Weber
Boyd	Hollahan	Myers	Weissenborn
Brantley	Horne	Ott	Williams
Childers	Johnson (29th)	Plante	Wilson
Daniel	Johnson (34th)	Poston	

On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 559—A bill to be entitled An act relating to banks and trust companies; amending section 658.10(1), Florida Statutes; establishing that records of the division of banking, department of banking and finance, are confidential and that all reports of examination and investigation are the property of the division of banking, department of banking and finance; prohibiting banks, their officers, directors, officials or employees from making any part of report public except pursuant to court order; providing an effective date.

—which was read the second time by title. On motion by Senator Horne, by two-thirds vote, HB 559 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Ducker	Knopke	Saunders
Arnold	Gong	Lane	Sayler
Barron	Graham	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	Lewis (43rd)	Ware
Bishop	Henderson	McClain	Weber
Boyd	Hollahan	Myers	Weissenborn
Brantley	Horne	Ott	Williams
Broxson	Johnson (29th)	Plante	Wilson
Childers	Johnson (34th)	Poston	
Daniel	Karl	Reuter	

Nays—1

Bell

On motion by Senator Horne, unanimous consent was obtained to take up out of order—

HB 560—A bill to be entitled An act relating to industrial savings banks; amending chapter 656, Florida Statutes, by adding section 656.211, Florida Statutes; establishing that records of the division of banking, department of banking and finance, are confidential and that all reports of examination and investigation are the property of the division of banking, department of banking and finance; providing an effective date.

—which was read the second time by title.

On motion by Senator Karl the following amendment was adopted:

On page 1 after line 15, insert:

Section 1. Subsection (5) of Section 656.17, Florida Statutes, is amended to read:

656.17 Special Powers.—Industrial Savings Banks in addition to the general and usual powers incidental to ordinary corporations for profit in this state, which are not specifically restricted in this law, shall have the following powers to wit:

(5) LATE CHARGES.—To impose a late charge of five cents for each default in the payment of one dollar or a fraction thereof not exceeding five per cent (5%) of the amount of any principal payment, installment payment, or payments in default on any evidence of debt given to secure a payment of a loan made pursuant to Subsection (1) of this Section or at the time any periodical installment upon a certificate assigned as collateral security for the payment of a loan made pursuant to Subsection (1) of this Section becomes due; provided, however, that such late charges shall not be cumulative.

Renumber subsequent section accordingly.

On motion by Senator Karl the following amendment was adopted:

On page 1, line 5, after the semi-colon insert: amending Section 656.17(5), Florida Statutes, clarifying the imposition of late charges on loans; providing that industrial savings banks may impose a late charge not exceeding five percent (5%) of payments in default on loans made pursuant to Section 656.17, Florida Statutes;

On motion by Senator Horne, by two-thirds vote, HB 560 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Ducker	Knopke	Saunders
Arnold	Fincher	Lane	Sayler
Barron	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Ware
Bishop	Gunter	McClain	Weber
Boyd	Henderson	Myers	Weissenborn
Brantley	Horne	Ott	Williams
Broxson	Johnson (29th)	Plante	Wilson
Childers	Johnson (34th)	Poston	
Daniel	Karl	Reuter	

Nays—1

Bell

On motion by Senator Pope, by two-thirds vote, SB 188 was withdrawn from the Committee on Ways and Means and placed on the Calendar.

On motion by Senator Pope, by two-thirds vote, SB 188 was placed on the Special Order Calendar. The vote was:

Yeas—30

Mr. President	Barrow	Brantley	Deeb
Arnold	Bishop	Childers	de la Parte
Barron	Boyd	Daniel	Ducker

Gong	Johnson (34th)	Pope
Graham	Karl	McClain
Henderson	Knopke	Poston
Hollahan	Lewis (33rd)	Saunders
Johnson (29th)	Lewis (43rd)	Trask

Ware
Weissenborn
Williams

Senator Henderson moved that consideration of SB 946 be temporarily deferred.

Senator Wilson moved as a substitute motion that SB 946 be indefinitely postponed. The substitute motion was adopted.

Nays—8

Bell	Lane	Plante	Sayler
Broxson	Ott	Reuter	Wilson

By permission, Senators Childers, Fincher, Barron, Barrow and Williams were recorded as co-introducers of SB 188.

On motion by Senator Wilson, Senate Bills 904 and 423 were removed from the Calendar and withdrawn from further consideration of the Senate.

The Senate resumed consideration of—

CS for SB 1311—A bill to be entitled An act relating to coastal construction and excavation; creating §161.053, Florida Statutes, providing that the department of natural resources shall establish coastal setback lines on a county basis; requiring engineering and topographic surveys; requiring local public hearings; requiring the setback lines to be recorded; prohibiting construction, excavation, driving of vehicles on dunes, and damage to dunes and vegetation seaward of setback lines; providing for review of setback lines; providing for waivers; providing for construction of piers and pipelines; declaring a violation of said section a public nuisance; providing exemption; providing that pending the establishment of setback lines, §161.052, Florida Statutes, 1970 Supplement, which relates to the same subject, shall apply; providing a penalty; providing an effective date.

—which was taken up, having been read the second time by title this day.

On motion by Senator Knopke, by two-thirds vote, CS for SB 1311 was read the third time by title.

On motion by Senator Ware the following amendment was adopted by two-thirds vote:

On page 4, line 3, section 1, strike “and unequivocally”

Senator Pope moved the adoption of the following amendment which failed:

On page 4, line 17, strike “which are equal to, or more strict than those setback requirements provided herein”

On motion by Senator Beaufort, debate on CS for SB 1311 was limited to 2 minutes per side.

CS for SB 1311 as amended was read by title, passed and ordered engrossed. The vote was:

Yeas—23

Mr. President	Gong	Knopke	Saunders
Arnold	Graham	Lewis (33rd)	Sayler
Beaufort	Henderson	Lewis (43rd)	Scarborough
Brantley	Hollahan	Plante	Weissenborn
de la Parte	Horne	Pope	Wilson
Ducker	Johnson (34th)	Reuter	

Nays—17

Barron	Broxson	Johnson (29th)	Ware
Barrow	Childers	Lane	Weber
Bell	Daniel	McClain	
Bishop	Deeb	Stolzenburg	
Boyd	Fincher	Trask	

By unanimous consent, Senator Myers was recorded as voting yea; Senator Poston as voting nay; and Senators Childers and McClain changed their votes from nay to yea.

HB 425—A bill to be entitled An act relating to air and water pollution control; creating §403.087, Florida Statutes; requiring installations which may reasonably be expected to be a source of air or water pollution to obtain a permit from the department of air and water pollution control; authorizing and providing procedures for the general issuance, denial and revocation of said permits by the department; providing penalties; creating §403.088, Florida Statutes; requiring persons presently discharging or intending to discharge waste into the waters of the state to obtain a water pollution operation permit; requiring such persons to submit a report prior to application for said permit; providing for temporary permits; providing specific conditions for said permits; providing that the provisions of this act be cumulative to the provisions of chapter 403, Florida Statutes; providing that the provisions of this act not be construed to exempt any permittee from local pollution control ordinances or codes or to authorize any violation thereof; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, lines 19-22, section 2, on line 19, following the word “with” strike the remainder of subsection (4) and insert: pollution control facilities that will abate or prevent pollution to the degree that will comply with the standards or rules promulgated by the department, except as provided in Chapter 403.088, Florida Statutes.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 3, line 19, section 2, strike “; pollution charges”

On motion by Senator Knopke, by two-thirds vote, HB 425 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Fincher	Knopke	Reuter
Barron	Gong	Lane	Saunders
Barrow	Graham	Lewis (33rd)	Sayler
Bell	Henderson	Lewis (43rd)	Scarborough
Brantley	Hollahan	McClain	Ware
Childers	Horne	Myers	Weber
Daniel	Johnson (29th)	Plante	Weissenborn
de la Parte	Johnson (34th)	Pope	Williams
Ducker	Karl	Poston	Wilson

Nays—2

Beaufort	Bishop
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By unanimous consent Senators Arnold and Boyd were recorded as voting yea.

HB 360—A bill to be entitled An act relating to game and fresh water fish; amending §372.26, Florida Statutes, and §372.265(1), Florida Statutes, 1970 Supplement, as created by chapter 70-145, Laws of Florida, to provide that the department of natural resources may import fresh water fish and game for the purpose of conducting experiments in aquatic weed control as provided by law; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, lines 8-9, section 3, strike "upon becoming a law." and insert: September 1, 1971.

On motion by Senator Knopke, by two-thirds vote, HB 360 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Daniel	Karl	Saunders
Arnold	de la Parte	Knopke	Saylor
Barron	Ducker	Lane	Scarborough
Barrow	Fincher	Lewis (33rd)	Stolzenburg
Beaufort	Gong	Lewis (43rd)	Ware
Bell	Graham	McClain	Weber
Bishop	Henderson	Myers	Weissenborn
Boyd	Hollahan	Plante	Wilson
Brantley	Horne	Pope	
Broxson	Johnson (29th)	Poston	
Childers	Johnson (34th)	Reuter	

By unanimous consent Senator Gunter was recorded as voting yea.

Consideration of SB 1399 was deferred, the bill retaining its place on the Calendar.

On motion by Senator Knopke, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 28, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Natural Resources—

HB 2265—A bill to be entitled An act relating to forestry; amending chapter 590, Florida Statutes, by adding section 590.082; authorizing the governor to proclaim extraordinary fire hazard because of drought; providing for restriction of movement of persons in public and private forest lands, woods and grasslands; providing penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2265, contained in the above message, was read the first time by title. On motion by Senator Knopke the rules were waived and the bill was placed on the Calendar.

Senator Gunter was excused for the purpose of working with the staff of the Committee on Ways and Means relative to the Conference Committee report on the general appropriations bill.

Senator Broxson moved that the Senate reconsider the vote by which SB 946 was indefinitely postponed this day. The motion was adopted by the following vote:

Yeas—18

Bell	Daniel	Lewis (33rd)	Saunders
Bishop	Ducker	Lewis (43rd)	Williams
Boyd	Fincher	McClain	Wilson
Broxson	Gong	Ott	
Childers	Knopke	Poston	

Nays—12

Arnold	Graham	Horne	Lane
Beaufort	Henderson	Johnson (29th)	Plante
Brantley	Hollahan	Johnson (34th)	Reuter

The Senate reconsidered the vote and SB 946 was placed on the calendar.

Senator Broxson moved that SB 946 be placed on the Special Order Calendar. The motion failed.

On motions by Senator Hollahan, Senate Bills 1399, 1464, 1470 and 479 were removed from the Calendar and withdrawn from further consideration of the Senate.

The Senate resumed Special Order.

SB 1465—A bill to be entitled An act relating to forestry; amending chapter 590, Florida Statutes, by adding section 590.082; authorizing the governor to proclaim extraordinary fire hazard because of drought; providing for restriction of movement of persons in public and private forest lands, woods and grasslands; providing penalty; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 1, line 26, section 1, strike "cutting" and insert: harvesting

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, line 3, section 1, strike "hunt, fish or"

On motion by Senator Knopke the following amendment was adopted:

On page 2, line 7, section 1, after the word "will" insert: with the advice and consent of the chairman of the board of county commissioners of the affected county or counties

Pending further consideration of SB 1465 as amended, on motion by Senator Knopke—

HB 2265—A bill to be entitled An act relating to forestry; amending chapter 590, Florida Statutes, by adding section 590.082; authorizing the governor to proclaim extraordinary fire hazard because of drought; providing for restriction of movement of persons in public and private forest lands, woods and grasslands; providing penalty; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Knopke, by two-thirds vote, HB 2265 was read the second time by title.

On motion by Senator Knopke the following amendment was adopted:

On page 3, lines 1, 2, section 2, strike "immediately upon becoming a law." and insert: September 1, 1971.

On motion by Senator Knopke, by two-thirds vote, HB 2265 as amended was read the third time by title, passed and certified to the House. The vote was: Yeas—41 Nays—None

Mr. President	Brantley	Graham	Knopke
Arnold	Broxson	Henderson	Lane
Barrow	Childers	Hollahan	Lewis (33rd)
Beaufort	Daniel	Horne	Lewis (43rd)
Bell	Ducker	Johnson (29th)	McClain
Bishop	Fincher	Johnson (34th)	Myers
Boyd	Gong	Karl	Ott

Plante	Saunders	Ware	Wilson
Pope	Sayer	Weber	
Poston	Scarborough	Weissenborn	
Reuter	Stolzenburg	Williams	

SB 1465 was laid on the table.

SB 279 was taken up and on motion by Senator Wilson—

HB 326—A bill to be entitled An act relating to forestry; amending sections 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, and 589.34, Florida Statutes; providing for cooperative forest management assistance; providing for assistance in urban environmental improvement through the use of trees; providing for cooperative agreements between the division of forestry, counties or municipalities; providing for quality of assistance; defining duties of a district forester; providing for cooperative financing of assistance rendered; providing for expenditure of funds; providing effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Wilson, by two-thirds vote, HB 326 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

Mr. President	Daniel	Karl	Reuter
Arnold	Ducker	Knopke	Saunders
Barrow	Fincher	Lane	Sayer
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Henderson	McClain	Ware
Boyd	Hollahan	Myers	Weber
Brantley	Horne	Plante	Weissenborn
Broxson	Johnson (29th)	Pope	Williams
Childers	Johnson (34th)	Poston	Wilson

SB 279 was laid on the table.

SB 1300—A bill to be entitled An act relating to salt water fisheries and conservation; amending §370.13, Florida Statutes, relating to stone crabs; providing a closed season; providing a legal size; prohibiting taking of females; providing specifications for gear, traps, buoys, permit numbers; providing for confiscation of unauthorized devices; providing for suspension and revocation of permits; providing a penalty; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 4, lines 9, 10, section 2, strike "upon becoming a law." and insert: September 1, 1971.

On motion by Senator Gong, by two-thirds vote, SB 1300 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President	Ducker	Lane	Sayer
Arnold	Fincher	Lewis (33rd)	Scarborough
Barrow	Gong	Lewis (43rd)	Stolzenburg
Beaufort	Graham	McClain	Ware
Bell	Henderson	Myers	Weber
Bishop	Hollahan	Ott	Weissenborn
Boyd	Horne	Plante	Williams
Brantley	Johnson (29th)	Pope	Wilson
Broxson	Johnson (34th)	Poston	
Childers	Karl	Reuter	
Daniel	Knopke	Saunders	

On motion by Senator Pope, by two-thirds vote, SM 228 was removed from the special order calendar and withdrawn from further consideration of the Senate.

SB 246—A bill to be entitled An act relating to alligators; providing that the Florida Game and Fresh Water Fish Commission conduct research necessary to successfully develop the

farming of alligators in captivity; providing an appropriation; providing an effective date.

Was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 2, lines 8 through 25, section 1, strike entire Section 1 and insert: Section 1. It is declared to be the intent of the legislature to encourage the Institute of Food and Agriculture Services at the University of Florida to research and encourage the development of techniques to propagate alligators successfully in captivity.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Knopke:

On page 1, lines 4 through 10, Title, strike "all" and insert: An act relating to alligators; declaring legislative intent to encourage the University of Florida in the research and development of techniques of propagating alligators successfully in captivity; providing an effective date.

On motion by Senator Henderson, by two-thirds vote, SB 246 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Fincher	Lewis (33rd)	Sayer
Arnold	Gong	Lewis (43rd)	Scarborough
Barrow	Henderson	McClain	Stolzenburg
Boyd	Hollahan	Myers	Ware
Brantley	Horne	Plante	Williams
Broxson	Johnson (29th)	Pope	Wilson
Childers	Johnson (34th)	Poston	
Daniel	Karl	Reuter	
Ducker	Knopke	Saunders	

Nays—7

Beaufort	Bishop	Lane	Weissenborn
Bell	Graham	Weber	

By unanimous consent Senator Weissenborn changed his vote from nay to yea.

RECONSIDERATION

The motion by Senator Saunders on May 28 that the Senate reconsider the vote by which—

SB 1032—A bill to be entitled An act relating to higher education; expressing legislative intent that community colleges and state universities complement rather than duplicate their assigned roles; providing for policies on admissions; authorizing the Board of Regents to establish policies and regulations; providing limitations on remedial and compensatory programs; providing an effective date.

—as amended failed to pass on May 27, was taken up and adopted and the Senate reconsidered the vote.

On motion by Senator Saunders, the rules were waived and the Senate reconsidered the vote by which SB 1032 as amended was placed on third reading.

Senator Saunders moved the adoption of the following amendment:

On page 1, line 12, strike everything after "effective date", and insert the following:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Those state universities which are authorized by the board of regents to admit freshmen and sophomore students in lower division programs shall admit only that number of freshmen and sophomores permitted by policies and regulations of the board and the appropriation provided by the legislature. Students so admitted shall be those who have by prior achievement demonstrated their probable success in pursuing a full university education and baccalaureate degree. The state universities shall not utilize their resources to conduct compensatory or remedial programs for students except upon express approval of the board of regents. The board of regents may not authorize such a program for more than five per cent (5%) of the students enrolled in any state university. The board of regents may however permit a larger enrollment of students below such minimum standards at Florida agricultural and mechanical university and may permit compensatory or remedial programs for such students in excess of five per cent (5%).

Section 2. This act shall take effect September 1, 1971.

On motion by Senator Beaufort, by two-thirds vote, debate on all amendments to SB 1032 was limited to 2 minutes.

Senator Plante moved that SB 1032 be indefinitely postponed and the motion failed.

Senator Graham moved the adoption of the following amendment to the amendment which failed:

On page 1, insert new Section 2: (renumber remaining sections)

Section 2. The State Board of Education shall adopt an articulation agreement between the Division of Universities and Division of Community Colleges which agreement shall stipulate the transfer regulations between Community Colleges and State Universities. Such agreement shall provide that graduates of a community college shall be granted access to the upper division colleges of state universities on parity with native lower division students from such state universities

Senator Graham moved the adoption of the following amendment to the amendment which failed:

On page 1, section 2, insert a new section 2. (renumber remaining section)

Section 2. The board of regents is hereby directed to review the lower division program at each state university and specifically recommend to the 1972 legislature "(1) whether existing lower division programs should be continued; (2) whether lower division programs should be added to those state universities not

authorized to offer lower division programs; and (3) whether admission, transfer, and curriculum policies at those state universities which are authorized to offer lower division programs complement the state plan for community colleges

The question recurred on the adoption of the amendment which was adopted.

On motion by Senator Saunders the following amendment was adopted:

On page 1, line 4, title, strike "expressing legislative intent that community colleges and state universities complement rather than duplicate their assigned roles;"

On motion by Senator Saunders, SB 1032 as amended was read by title.

On motion by Senator Daniel, by two-thirds vote, debate was limited to 2 minutes per side.

SB 1032 as further amended passed and was ordered engrossed. The vote was:

Yeas—27

Mr. President	Daniel	Knopke	Stolzenburg
Barron	de la Parte	Lane	Trask
Barrow	Ducker	Lewis (33rd)	Ware
Boyd	Henderson	McClain	Weber
Brantley	Horne	Ott	Williams
Broxson	Johnson (29th)	Saunders	Wilson
Childers	Johnson (34th)	Scarborough	

Nays—16

Arnold	Fincher	Karl	Poston
Beaufort	Gong	Lewis (43rd)	Reuter
Bell	Graham	Myers	Saylor
Bishop	Hollahan	Plante	Weissenborn

Senator Gunter reappeared in the chamber and was recorded present.

On motions by Senator Horne, the House was requested to return Senate Bills 582, 583, 578, 580 and 585.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:08 p.m. to convene at 8:30 a.m. June 1 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., June 1, 1971.

**LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
MAY 24, 1971 THROUGH MAY 28, 1971**

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Aronson, Sherlee M. 850 Woodbine Dr. Pensacola 32503	League of Women Voters 1310 Colonial Dr. Orlando	Taxes, education, environment, human resources	None
Berns, Tanya R. 5 Island Ave. Miami Beach 33139	Self Same address	Status of women	None
Bolton, Roxey P. O. Box 734 Coral Gables 33134	Nat. Org. for Women (N.O.W.) Same address	Women's rights	None
Bradley, Agnes A. 12855 Hickory Rd. N. Miami 33161	Self Same address	General interest	None
Clayton, Ralph R. 209 Conrad Bldg. DeLand 32720	Fla. Assn. Medical Laboratories W. New York Ave. DeLand	Legislation affecting clinical labs & technologists	None
Fegers, R. J. 6011 Rodman St. Hollywood 33203	Self Same address	No fault insurance, Commerce Comm.	None
Ferrero, Ray, Jr. 200 S. E. 6th St. Ft. Lauderdale 33301	Academy of Fla. Trial Lawyers Tallahassee Bank Bldg. Tallahassee	Judicial & insurance	I am a trustee of a Real Estate Trust. Rep. D'Alemberte has a 5% interest in said trust
LaMarr, Jack P. 312 S. E. 17th Ft. Lauderdale 33316	Self Same address	Commerce	None
Wagner, Arthur Ward, Jr. 507 N. Olive Ave. West Palm Beach 33401	Self Same address	Insurance & courts	None
Warren, Mary Clegg 2815 S. Atlantic Ave. Daytona Beach Shores 32018	American Assn. of University Women—Interested citizen for good government Same address	General legislation pertaining to state of Florida	None
Weinstock, Eleanor 258 List Rd. Palm Beach 33480	League of Women Voters of Fla. 1310 W. Colonial Orlando	Education, taxes, environment	My husband is member of the Board of Lake Worth First National Bank of which Senator Jerry Thomas is an officer